

89-038835

AN AMENDMENT
TO THE DEDICATION, EASEMENTS AND APPROVALS APPENDED TO
AND MADE A PART OF THE DEDICATION AND PLAT OF
ASPEN VILLAGE, SECTION IV,
A SUBDIVISION IN ABOITE TOWNSHIP, ALLEN COUNTY, INDIANA

We, the undersigned, being the owners of more than Fifty-One Percent (51%) of the lots in Section IV, Aspen Village, a Subdivision in Aboite Township, Allen County, Indiana, pursuant to the provisions contained in the prefatory paragraph of Part II of the dedication, protective restrictions, covenants and limitations appended to the plat of said Aspen Village, Section IV, as they appear in Plat Record Book 44, pages 49 through 52, in the Office of the Recorder of Allen County, Indiana, having been recorded therein on the 23rd day of December, 1980, hereby specifically amend, substitute and add to the existing covenants, restrictions, and limitations the following paragraphs:

(3) Sub "J" Any resident whose lot is located on a corner within the Subdivision or whose lot in any manner adjoins or abuts Aboite Center Road, may apply to the Board of Directors of the Aspen Village Community Corporation for permission to construct and erect a fence upon said lot. Two (2) sets of plans and specifications showing the nature, kind, shape, height, materials, and location of the fence shall be submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Community Association. The Board of Directors shall, by majority vote, approve or disapprove of such plans and specifications within thirty (30) days after said plans have been submitted. The plans are deemed to have been submitted only when received by the President of the Community Association. In the event the Board of Directors fails to approve or disapprove such plans within thirty (30) days after they have been submitted, then approval shall be deemed to have been given, provided that objective evidence, such as a registered letter, is available to prove that such plans were submitted. The construction of said fence shall be in accordance with the plans and specifications as submitted to and approved in writing by the Board of Directors.

The provisions hereinbefore provided for a violation or attempted violation of these covenants and restrictions shall be applicable hereto. In the event the Association shall prevail in any litigation brought for the purpose of enforcing compliance with the provisions of this article, it shall be entitled to recover from the defendant(s) reasonable attorney fees and costs incurred by the Association in such enforcement.

ALL PLATTED RESTRICTIONS NOT HEREIN MODIFIED, AMENDED, OR SUBSTITUTED, SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, Aspen Village Community Corporation, an Indiana Corporation, by Michael Walters, its President, and Pat Biggins, its Secretary, hereby certifies that the below signatures constitute the owners of the real estate as indicated, by lot and address, and were obtained by officers and members of the Corporation specifically authorized for said purpose.

DULY ENTERED FOR TAXATION

OCT 02 1989

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Jane K Bloom
AUDITOR OF ALLEN COUNTY

INSTRUMENT X

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8172

ALLEN COUNTY RECORDER

89 OCT - 2 AM 11:30

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 A SUBDIVISION IN ABOITE TOWNSHIP, ALLEN COUNTY, INDIANA

Lady A Wright
Darynn Wright
 (Owner's Name)
9913 SAWTOOTH CT
FT WAYNE IN
 (Address)
 Lot No. 159

Khanna Chapman
Robert Chapman
 (Owner's Name)
9917 Sawtooth Ct
FT WAYNE IN
 (Address)
 Lot No. 160

Max A Knudsen
Deborah S. Knudsen
 (Owner's Name)
10004 Sawtooth Court
Fort Wayne, IN 46804
 (Address)
 Lot No. 149

Shang Liou
Joung Liou
 (Owner's Name)
9918, SAWTOOTH CT.
FRT WAYNE, IN. 46804.
 (Address)
 Lot No. 151.

Terry J. Butler
Sandra L. Butler
 (Owner's Name)
9914 Sawtooth Ct.
Ft. Wayne, Ind. 46804
 (Address)
 Lot No. 152

Ron Rapp
Shemie Rapp
 (Owner's Name)
9909 Sawtooth Ct
Ft Wayne, In. 46804
 (Address)
 Lot No. 158

Kathy Walters
Mike Walters
 (Owner's Name)
9905 Sawtooth Ct
Ft WAYNE IN. 46804
 (Address)
 Lot No. 154

Kurt Sny
Debra Sny
 (Owner's Name)
9901 Sawtooth Ct
Ft. Wayne, IN
 (Address)
 Lot No. ~~154~~ 156

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<u>Rev Robert C Schutte</u>	_____
<u>Diocese of Ft Wayne - So Bend</u>	_____
(Owner's Name)	(Owner's Name)
<u>10008 Sawtooth Ct.</u>	_____
<u>Ft Wayne, IN 46804</u>	_____
(Address)	(Address)
Lot No. <u>148</u>	Lot No. _____

<u>STEPHEN MITCHELL</u>	_____
<u>DAVIA MITCHELL</u>	_____
(Owner's Name)	(Owner's Name)
<u>10009 Sawtooth Ct</u>	_____
<u>FT WAYNE, IN 46804</u>	_____
(Address)	(Address)
Lot No. <u>163</u>	Lot No. _____

<u>Mary Raul</u>	_____
<u>Not Raul</u>	_____
(Owner's Name)	(Owner's Name)
<u>10002 Sawtooth Ct.</u>	_____
<u>Ft. Wayne, In. 46804</u>	_____
(Address)	(Address)
Lot No. <u>150</u>	Lot No. _____

_____	_____
(Owner's Name)	(Owner's Name)
_____	_____
(Address)	(Address)
Lot No. _____	Lot No. _____